

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>ERIC MURDOCK,</b>	:	
<b>Plaintiff</b>	:	
	:	<b>No. 1:20-cv-2138</b>
<b>v.</b>	:	
	:	<b>(Judge Rambo)</b>
<b>GENE BROWN, <u>et al.</u>,</b>	:	
<b>Defendants</b>	:	

**ORDER**

**AND NOW**, on this 19th day of July 2022, upon consideration of Defendants' motion for summary judgment (Doc. No. 44), and in accordance with the accompanying Memorandum, **IT IS ORDERED THAT:**

1. Defendants' motion for summary judgment (Doc. No. 44) is **GRANTED** in part and **DENIED** in part as follows:
  - a. Defendants' motion is **GRANTED** as to Plaintiff's 42 U.S.C. § 1983 claims for monetary damages against Defendants in their official capacities;
  - b. Defendants' motion is **GRANTED** as to Plaintiff's § 1983 claims against Defendants Marsh and Dunn due to lack of personal involvement in the asserted wrongdoing;
  - c. Defendants' motion is **GRANTED** as to Plaintiff's Fourth Amendment claim, Fifth Amendment claim, and Fourteenth Amendment claims;
  - d. Defendants' motion is **GRANTED** as to Plaintiff's Monell claims;
  - e. Defendants' motion is **GRANTED** as to Plaintiff's claim for monetary damages under the Pennsylvania Constitution;

- f. Defendants' motion is **DENIED** as to Plaintiff's Eighth Amendment failure-to-protect claim against Defendants Ross, Terra, and Rininger;
  - g. Defendants' motion is **DENIED** as to Plaintiff's § 1983 claims for prospective injunctive relief against Defendants in their official capacities;
  - h. Defendants' motion is **DENIED** as to Plaintiff's alleged failure to exhaust his request for monetary relief;
  - i. Defendants' motion is **DENIED** as to Plaintiff's claim for prospective injunctive relief under the Pennsylvania Constitution; and
2. The parties shall file a joint status report on or before **August 19, 2022**, informing the Court as to whether they are amenable to having this case referred to the Court's Prisoner Litigation Settlement Program.

s/ Sylvia H. Rambo  
SYLVIA H. RAMBO  
United States District Judge